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CASTRO, ALFONSO	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/665,096	SIMYON, JEFFREY A.	
	Examiner	Art Unit	
	ALFONSO CASTRO	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-14,16-53 and 67-85* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-14,16-53 and 67-85* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 2 and 11, filed 4/13/2009, with respect to claim 8 rejected under section 112 have been fully considered and are persuasive. The rejection of claim 8 has been withdrawn.

2. Applicant's arguments, see page 9 and 11, filed 4/13/2009, with respect to claims 74 and 77 rejected under section 112 have been fully considered but they are not persuasive. Claims 74 and 77 were not amended to overcome the section 112 rejections identified in the Office Action dated 3/4/2009. The rejection of claims 74 and 77 are maintained.

Status of Claims

3. Claims 8-10, 36, 38, 71 have been amended. Claims 80-85 have been added. Claims 1-7 and 54-66 were previously cancelled.

Claim Objections

4. Claim 84 is objected to because of the following informalities: "uploadible" is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 80 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 80 recites "said slave uplink excluding database storage and retrieval components" where a person skilled in the art would have understood a slave uplink is a computing device as such requiring storage or memory for storing data and processor which is a component that is used to retrieve/acquire data.

7. Claim 84 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 84 recites "providing content data uploadible to said slave uplink" and where claim 80 recites that slave uplink excludes database storage which a person skilled in the art would have understood a slave uplink to comprise storage in order to be able to upload content to the slave uplink.

8. Claim 85 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 85 recites "slave uplink comprising...control

stream inserter that inserts control instructions for transmission in an outgoing datastream for broadcast" and where claim 81 recites that slave uplink excludes a control instruction generating component which a person skilled in the art would have understood a slave uplink to comprise components for generating control instructions if the slave uplink is to be able to insert control instructions.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis et al. (US 6584082) and Boyden et al. (US 6724737 B1), Suda PG Pub 2002/0118696 (hereafter Suda) and Rakib et al. (US 2004/0172658 A1).

As to claim 10, Willis discloses a method of controlling a media content broadcast comprising (see Willis, col. 4, ll. 14-29 and fig. 1):

said slave uplink being remote from said central processor (see Willis, fig. 2A , control processor within BOC is remote from uplink facility fig. 4, connection between gateways and internet);

and sending said control instruction command to the slave uplink through said computer network (see Willis, col. 10, 30-45),

said slave uplink also being linked to said computer network (see Willis, fig. 1, internet linked to uplink and downlink sides),

Willis does teach a control instruction request (see Willis, col. 9, l. 35-col. 10, l. 36, a control instruction (such as for transmission or scheduling) is requested of subscription manager and schedule gateway); however, further support for the obviousness and unpatentability of the claim limitations is given by Boyden who discloses a system for controlling satellite communication, does teach receiving a control instruction request at a central processor (the NCC) from a remote input (see Boyden, fig. 10, in a rain fade the NCC will request through uplink that heavy code be enabled). Willis does not specifically reference a slave configuration. Suda teaches it is well known in the art to arrange a communication network in a master/slave configuration (Abstract; Fig. 1, 9; page 4 [0055]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Willis with the system of Boyden Suda in order to control the satellite linking process specifically (see Boyden, col. 7, ll. 38-46) and achieve an improvement in transmission efficiency as taught by Suda.

said control processor being configured to receive control instruction requests through said communication link with said computer network (see Boyden, col. 8, ll. 40-50, the NCC receives a request (via an ATM protocol stack program which indicates a computer network) and fig. 10);

through a computer network linked to both said central processor and said remote input (see Boyden, col. 8, ll. 40-50, the NCC receives a request (via an ATM protocol stack program which indicates a computer network, which must be linked to processor (NCC) and remote input (terminal)));

generating a control instruction command (see Boyden, fig. 3 and col. 8, ll. 30-52),

said control instruction command being configured to be executable by a slave uplink for transmission of the control instructions to a plurality of remote receivers via satellite (see Boyden, col. 8, ll. 45-60, SASE in uplink stream allows acknowledgement of command execution). Boyden does not specifically reference a slave uplink configuration. Suda teaches it is well known in the art to arrange a communication network in a master/slave configuration (Abstract; Fig. 1, 9; page 4 [0055]).

The system is unclear on a remote slave uplink configured to receive only instruction commands not requests from remote processor, however Rakib, who discloses VOD methods on a network, does teach that remote uplink receives only control instructions commands through email from remote central processor and not control instruction requests (see Rakib, fig. 6A-E, fig. 3 shows that gateway relays the control instruction commands via a control instruction request (from user at remote control or keyboard) the commands are generated via email sent requests to gateway via user station and through network). Rakib does not specifically reference a slave uplink configuration. Suda teaches it is well known in the art to arrange a communication network in a master/slave configuration (Abstract; Fig. 1, 9; page 4 [0055]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system with that of Rakib and Suda in order to achieve an improvement in transmission efficiency as taught by Suda and to use a unit for translation and transmission to the satellite that can receive code via internet protocols (see Rakib, [22]);

The control processor being further configured to send a control instruction command in response to an order remotely entered from said remote web browser (see Rakib, [198], fig. 3, notice uplink location is remote from processor).

As to claim 11, Willis and Boyden (as combined) disclose a method of claim 10 wherein said computer network is the Internet (see Willis, col. 8, ll. 63-67).

11. Claims 8-9, 12-14, 16-23, 29, 32-44, 49, 50, 52 and 67-73, 75, 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US 2004/0172658 A1), Suda PG Pub 2002/0118696 (hereafter Suda) in further view of Compel User manual (May 2001).

As to claim 8, Boyden discloses a control processor for satellite broadcast of media content data comprising (see Boyden, fig. 3 controller processor of NCC);

a control processor being configured to build control instruction commands (see Boyden, col. 8, ll. 30-56, in the NCC status is monitored and requests are awaited and responded to (such as change in transmission power),

said control instruction commands being executable by an uplink for transmission of a digital video broadcast bitstream including control instructions contained within said control instruction command (see Boyden, fig. 10, NCC prepares environment, acks uplink/ remote terminal where instruction to accept code change to obviate fade is acted on);

Boyden is unclear on a web server; however, Willis, who discloses a method of transmitting over satellite, does teach a web server in operative communication with controller (see Willis, fig. 4, output gateways control transmission of media into the network, while uplink gateways submit media for distribution);

after said requests are received by said web server in an HTTP transmission from a remote web browser (see Willis, fig. 7 shows that web transport occurs which entails HTTP transmission and col. 9, ll. 40-52);

However, Boyden and Willis, are unclear on email as a method of transmitting commands.

The Compel User Manual does teach email transmission for commands (see Compel User Manual sect. App. A);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Kou and Boyden with the Compel User Manual in order to transmit commands via email, a user-friendly and ubiquitous method of transport (see Compel User Manual, sect. 8, "Email"),

The system is unclear on a remote uplink configured to receive only instruction commands not requests from remote processor, however Rakib, who discloses VOD methods on a network, does teach that remote uplink receives only control instructions commands through email from remote central processor and not control instruction requests (see Rakib, fig. 6A-E, fig. 3 shows that gateway relays the control instruction commands via a control instruction request

(from user at remote control or keyboard) the commands are generated via email sent requests to gateway via user station and through network).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system with that of Rakib in order to use a unit for translation and transmission to the satellite that can receive code via internet protocols (see Rakib, [22]);

The control processor being further configured to send a control instruction command in response to an order remotely entered from said remote web browser (see Rakib, [198], fig. 3);

said control processor being further configured to package control instructions from said control instruction requests in an email to at least one remote slave uplink (see Compel User Manual, sect. App. C, encryption of emailed instruction command/ request is packaging). While Compel User Manual does not specifically reference the phrase "slave", it is well known in the art to arrange a communication network in a master/slave configuration as taught by Suda (Abstract; Fig. 1, 9; page 4 [0055]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system with that of Suda in order achieve an improvement in transmission efficiency as taught by Suda;

and a communication link to a computer network, said communication link allowing said control instruction command to be emailed to remote uplinks (see Compel User manual, sect. 8 “email”; a comm. link is the network a. and the network is the link used between the remote terminals and NCC of Boyden, see fig. 10).

As to claim 9, Boyden discloses the control processor of the previous claim wherein said communication link further allows confirmation message from said at least one remote uplink back to said control processor via email (see Boyden, fig. 10, ack between remote terminal

(uplink) and NCC is typical). The Control User manual and Suda teach the concept of slave uplink as discussed in claim 8.

Official notice is taken that email acknowledgements are well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the acknowledgement process of Boyden with the email process of Willis in a master/slave configuration as taught by the Compel User manual and Suda in order to generate an internet-ready environment for control of satellite communication.

As to claim 12, Willis and Boyden and Rakib and Compel (as combined) disclose the method of claim 10 wherein said sending step is in batch mode (see Compel User Manual, sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file).

As to claim 13, Willis and Boyden and Rakib and Compel (as combined) disclose the method of claim 10 wherein said sending step is in session mode (see Compel User Manual, sect. 6.2.4, "commands", a command sent will be done so in session mode unless it is gathered in a batch file (as in claim 12)).

As to claim 14, Willis and Boyden and Rakib and Compel (as combined) disclose the method of claim 10 wherein said control instruction command includes scheduling (see Compel User Manual, sect. 1.1 "Compel Control Features").

As to claim 16, Willis and Boyden and Rakib and Compel (as combined) disclose the processor of claim 8 wherein said control processor links to said computer network via a protocol selected from the group consisting of: SMTP, HTTP, FTP, and TFTP (see Willis, col. 11, Web transport Internet protocols are used for the data files between the controller and network, it is inherent in this group that one of SMTP, HTTP, FTP, and TFTP is such a protocol).

As to claim 17, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 further comprising a graphical user interface with said control processor (see Compel User Manual, sect. 1.3 "Compel Control User Interface).

As to claim 18, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said control processor operates on Unix (The Compel User Manual does teach the control processor operating on Unix (see Compel User Manual, sect. 2, "Accessing compel control")).

As to claim 19, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said link between said control processor and said computer network is an Ethernet/LAN link (see Compel User manual, sect. 1.4.4., "Optional hardware", the control system with an Ethernet hub has an Ethernet link between its processor and the network).

As to claim 20, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said control processor is associated with said web server via a socket server (see Willis, col. 11, ll. 20-35 and fig. 6, a web server (application services) is sent data via WINSOCK, a socket server; control is transmitted through the downlink).

As to claim 21, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 further comprising a status memory in operative communication with said control processor (See Compel User manual, sect. D.4 "Compel Monitor", there are status panels listed on screen, which have memory allocated to them within the monitor utility).

As to claim 22, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 21 wherein said status memory records a receiver status and user status (See Compel User manual, sect. D.4 "Compel Monitor", the receiver (an uplink) status is available and a user (a scheduler) is available).

As to claim 23, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 21 further comprising an update driver, said update driver being configured to update said status memory to record a current status (See Compel User manual, sect. D.4.8 "Update Status/Control panel" the update driver (dbupdate) gives the current status of the update process for display).

As to claim 29, Willis and Boyden and Rakib and Compel (as combined) disclose the processor of claim 8 wherein said uplink further comprises a control stream inserter (see Boyden, fig. 3, processor controller is a control stream inserter in that it processes remote requests into the control stream of satellite communication link, col. 8, ll. 31-53).

As to claim 32, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said uplink further comprises an encoder and a multiplexer (see Willis, fig. 5).

As to claim 33, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said uplink further comprises an audiovisual input device (see Willis, col. 2, ll. 55-65, A/V is input via the uplink).

As to claim 34, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 33 wherein said audiovisual input device is a live feed (see Willis, col. 8, ll. 55-62, real-time data is a live feed).

As to claim 35, Boyden, Willis, Rakib, Suda, Compel (as combined) disclose the system of claim 8 further comprising a schedule memory (see Willis, col. 10, ll. 1-10, data files scheduled or revised by schedule gateway represents a memory for said scheduling).

As to claim 36, Boyden, Willis, Rakib, Suda Compel (as combined) disclose the system of claim 35 wherein said schedule memory is located at said slave uplink (see Willis, col. 10, ll. 1-10, the gateway is part of the uplink; and combination of references teaching master/slave configuration).

As to claim 37, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 35 wherein said schedule memory is located at said control processor and in operative communication with said control processor (see Compel User Manual, sect, App. A, "Schedule File", file created with control processor is a memory of schedule).

As to claim 38, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said uplink is a conventional uplink, said conventional uplink further comprising a separate control processor (see Boyden, fig. 1, where NCC is a control processor and any of the remote terminals represent an uplink).

As to claim 39, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said control instruction request includes a receiver address, a device address, a control parameter and a parameter data (see Compel User Manual, sect. App. A, "Schedule File", the standard Compel control system command protocol is: Address Device Command [Data], where Command is the control parm and data is the data parm).

As to claim 40, Willis and Boyden and Rakib and Compel (as combined) disclose the processor of claim 8 further comprising default control instructions stored in a memory exit, said memory being operatively accessible by said control processor (see Boyden, col. 12, ll. 10-16, a program (that has to access memory) in NCC pre-configures (a default) the demodulators, they may be dynamically configured separately (non-default)).

As to claim 41, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 further comprising an activity log (see Compel User manual, sect. D.4.4. "Days to Keep Uplink Logs", the uplink activity is logged).

As to claim 42, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 41 wherein said activity log is searchable (see Compel User Manual, sect. D.4.4.," Days to Keep

Uplink Logs" the log files, are searchable by name in a log file directory, and the file can be searched if done so in a text editor via the sniffer utility).

As to claim 43, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said control instruction request is encrypted (see Compel User Manual, sect. 6.2.6., "Encryption", the request is encrypted to a sender, if the requestor has been authorized).

As to claim 44, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said control instruction command is encrypted (see Compel User Manual, sect. 6.2.6., "Encryption", the command is encrypted to a receiver and App. C, where an email (command) is encrypted).

As to claim 49, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said control instruction request includes an instruction to schedule transmission of control instructions at a later selectable time (see Compel User Manual, D.3.3 "Directives", a scheduler directive coupled with a priority could schedule a later event occurrence).

As to claim 50, Boyden, Willis, Rakib, Compel (as combined) disclose the system of claim 8 wherein said control instruction command includes a control instruction packet (see Compel User Manual, sect. D.4 "Compel Monitor", within the uplink the command packet is built).

As to claim 52, it is analyzed similar to claim 50.

As to claim 67, Willis and Boyden and Rakib and Compel (as combined) disclose the processor of claim 8 wherein said uplink is operative to transmit data over a broadcast network to a plurality of receivers (see Willis, col. 11, ll. 51-60, fig. 8 notes a plurality of receivers (customers), said network transmits data over a broadcast network (see Willis, col. 1, ll. 25-26 and BOC denotes *broadcast* network)).

As to claim 68, Willis and Boyden and Rakib and Compel (as combined) disclose

the processor of claim 8wherein said communication link is remote from said control processor (see Willis, fig. 4, communications link is remote from control processor, data to/from BOC is transmitted via communication link, meaning that they are not the same unit).

As to claim 69, Willis and Boyden and Rakib and Compel (as combined) disclose the processor of claim 8 wherein said communication link is remote from said uplink (see Willis, fig. 2A and fig. 4 showing communication link separate from uplink facitlity).

As to claim 70, Willis and Boyden and Rakib and Compel (as combined) disclose the processor of claim 8 wherein said communication link is remote from any of a plurality of receivers receiving said control transmissions (see Willis, col. 10, ll. 18-45, control data such as destination uplink is transmitted from subscription manager to a stream gateway, which is remote from link).

As to claim 71, Willis and Boyden and Rakib and Compel (as combined) disclose the processor of claim 8 wherein said communication link is remote from said control processor, from said uplink and remote from any of a plurality of receivers receiving said control transmissions (see Willis, communications link is a separate part of invention, hence remote from these units, see claims 68-70 again).

As to claim 72, Willis and Boyden and Rakib and Compel (as combined) disclose the processor of claim 8 having at least two uplinks (see Willis, fig. 4 shows multiple (therefore at least 2 uplinks).

As to claim 73, Willis and Boyden and Rakib and Compel (as combined) disclose the processor

of claim 8 wherein said control instruction request is received by said control processor from said web server through said communication link (see Willis, col. 9, l. 45-col. 10, l. 36, control instruction request, such as query of transmission or request for direction, is received by control processor, such as file gateway, via schedule gateway (a web server) through communication link as shown in fig 3).

As to claim 75 Boyden, Willis, Rakib, Compel (as combined) disclose the control processor of claim 8 being further configured to receive control instruction requests entered into a master control web server by a subscriber to the media content (see Willis, abs. directed according to subscriber, col. 8, ll. 5-55, user submits instruction request by GUI (entered into control web server-see Willis fig. 1).

As to claim 78, it is analyzed similar to claim 75.

12. Claims 74, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US 2004/0172658 A1) and Merritt (US 2008/0228787 A1) in further view of Compel User Manual (May 2001).

As to claim 74, Boyden, Willis, Rakib, Compel (as combined) disclose the control processor of claim 8 wherein said master control processor is configured to combine control instructions. The system is unclear on scheduled control

instructions. However, Merritt, who discloses error correction in a delivery system, does teach in said control instruction request with control instructions stored in a memory (see Merritt, [59-62], status report combined with email message, control instruction stored to elicit response), said stored instructions being scheduled control instructions and wherein said master control processor is further configured to output an email combining said control instruction requests with said scheduled control instructions from memory in a single control instruction command (see Merritt, fig. 9 [68-70] show scheduled control instructions include error report, [20,44, 59], return path by email).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system with Merritt, in order to include scheduled control instructions for a robust reporting system (see Merritt, [68]).

As to claim 77, it is analyzed similar to claim 74.

13. Claims 76 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US 2004/0172658 A1), Suda PG Pub 2002/0118696 (hereafter Suda) and Hostetter et al. (US 5 313 457) in view of Compel User Manual (May 2001).

As to claim 76, Boyden, Willis, Rakib, Suda, and Compel (as combined) disclose the control processor of claim 8.

The system is unclear on a history, however, Hostetter, who discloses a modulation scheme in satellite communication, does teach further configured to record a history of control instructions in a memory (see Hostetter, col. 7, ll. 45-67, alarm history in memory).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system with that of Hostetter in order save a list of instructions, possibly for analysis (see Hostetter, col. 11, ll. 10-40).

As to claim 79, it is analyzed similar to claim 76.

14. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US 2004/0172658 A1), Suda in view of Compel User Manual (May 2001) in further view of Kou (US 5434847).

As to claim 45, Boyden, Willis, Rakib, Compel (as combined) disclose the processor of claim 8

However, Willis and Boyden are unclear on a receipt confirmation message that denotes errors.

Kou does teach this (see Kou, col. 1. 55-col. 2, l. 10, the sent instruction is awaiting an ack (confirmation) or instructions to confirm);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Willis and Boyden with Kou so that the sender may know if message sent was properly received (see Kou, col. 1, ll. 55-67).

As to claim 46, Boyden, Willis, Rakib, Suda, and Compel (as combined) disclose the processor of claim 8

wherein said control instruction command includes no-error confirmation instructions (see Kou, col. 1. 55-col. 2, l. 10 and col. 3, ll. 10-20, no-error confirm is an ack).

As to claim 47, Boyden, Willis, Rakib, Suda, and Compel (as combined) disclose the processor of claim 8

disclose the system of claim 46 wherein said control processor is configured to resend a control instruction command if a no-error confirmation (ack) is not received (see Kou, col. 1. 55-col. 2, l. 10).

As to claim 48, Boyden, Willis, Rakib, and Suda, Compel (as combined) disclose the processor of claim 8

wherein said control processor is configured to update a status memory if a no-error confirmation message is received from said uplink (see Kou, col. 2, ll. 2-20, packet w/ count value, is retransmitted with count reset to 0 on backward channel, "updating the status")

15. Claims 24-27, 51 ,53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US

2004/0172658 A1), Suda, in view of Compel User Manual (May 2001) in further view of Schweitzer et al. (US 2002/0013843 A1).

As to claim 24, Boyden, Willis, Rakib, Suda and Compel (as combined) disclose the system of claim 8; however, Willis and Boyden are unclear on a batch aggregator.

Schwietzer, who discloses a system for network filtering and aggregation, does teach this (see Schweitzer, [001-0012], the gather devices (batch aggregators) work with (are operatively coupled) the other systems like rating engines (control processor) that output reports).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Willis with the system of Boyden in order to allow for useful aggregation of various data within a control system (see Schweitzer, [0009]).

As to claim 25, , Boyden, Willis, Rakib, Suda and Compel (as combined) disclose the system of claim 8 wherein said batch aggregator and said control processor are separate components (see Schweitzer, [001-0012], the gather devices (batch aggregators) are separate from the other systems like rating engines (control processor) that output reports).

As to claim 26, Boyden, Willis, Rakib, Suda and Compel (as combined) disclose the system of claim 24 wherein said batch aggregator is configured to complete a batch for transmission upon obtainment of a preconfigured batch volume (see Schweitzer, [0066] when a certain amount of data is reached, which as a limit is inherently pre-configured the batched data (from pipe ISMs) an event will occur (such as disablement or transmission in the instant app).

As to claim 27, Boyden, Willis, Rakib, Suda and Compel (as combined) disclose the system of claim 24 wherein said batch aggregator is configured to complete a batch for transmission upon reaching a preconfigured time out (see Schweitzer, [0066] when a time out or

time limit, which is inherently pre-configured, is reached on the batched data (from pipe ISMs) an event will occur (such as disablement or transmission in the instant app).

As to claim 51, Boyden, Willis, Rakib, Sudan, and Compel (as combined) disclose system of claim 50

However, Willis and Boyden, Suda and Compel are unclear on details of the instruction packet. Pelkey does show the details (see Pelkey, fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Willis, Boyden and Compel with Pelkey in order to denote the fields that make up an instruction packet (see Pelkey, col. 4, ll. 40-65);

wherein said control instruction packet includes a frame separator, a system identification, a length indicator, a sequence number, a remote address for an individual receiver, a class identifier, a device address, a command identifier, a command data value and a check sum (see Pelkey, fig. 3 and 6)

As to claim 53, it is similar to claim 51 and is therefore similarly analyzed (see above).

16. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US 2004/0172658 A1), Suda in view of Compel User Manual (May 2001) in further view of Getsin et al. (US 2004/0244041 A1)

As to claim 28, Boyden, Willis, Rakib, Suda and Compel (as combined) disclose the system of claim 8 wherein said control processor and said web server communicate

Willis and Boyden are unclear on communication with a server via a language selected from the group consisting of: Perl, TCL, C, C++, or Visual Basic; however,

Getsin, who discloses a system for network synchronization, does teach communication with a server via a language selected from the group consisting of: Perl, TCL, C, C++, or Visual Basic (see [0087] Java (C++) is used to communicate web docs with a server).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Willis and Boyden with the system of Getsin in order to create an environment to communicate with a web server using a specific scripting language (see Getsin, [0087]).

17. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US 2004/0172658 A1), Suda, in view of Compel User Manual (May 2001) in further view of Nelson (US 2001/0023360A1).

As to claim 30, Boyden, Willis, Rakib, Suda, and Compel (as combined) disclose the processor of claim 8

Willis and Boyden are unclear on a firewall at an uplink; however, Nelson, who discloses a remote communication system, does teach this (see Nelson, fig. 2),

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Willis and Boyden with the system of Nelson to enable the firewall protection at an uplink necessary in a network and still allow data flow (see Nelson [0047] and fig. 2).

18. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US 2004/0172658 A1), Suda, in view of Compel User Manual (May 2001)in further view of Ellis (US 2003/0009401 A1)).

As to claim 31, Boyden, Willis, Rakib, Suda, and Compel (as combined) disclose the processor of claim 8

Willis and Boyden are unclear on a firewall for a webserver; however, Ellis, who discloses a cost estimation method and system, does teach this (see Ellis, [0320]),

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Willis and Boyden with the system of Ellis to enable the firewall protection at a web server necessary in a network and still allow data flow (see Ellis, [0311] and fig. 4).

19. Claims 80-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US 2004/0172658 A1), Suda PG Pub 2002/0118696 (hereafter Suda) in view of Compel

User manual (May 2001) and in further view of Hendricks US 6,160,989 (hereafter Hendricks).

Regarding claim 80 "said slave uplink excluding database storage and retrieval components" Boyden, Willis, Rakib, Sudan and Compel User manual do not specifically reference this limitation. In an analogous art, Hendricks teaches (col. 9 ines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink facility to handle more processing, transmitting and coordination of various functions among the slave operation center components including uplink devices.

Regarding claim 81, "comprising said slave uplink excluding a control instruction generating component" Boyden, Willis, Rakib, Sudan and Compel User manual do not specifically reference this limitation. In an analogous art, Hendricks teaches (col. 9 ines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink

facility to handle more processing, transmitting and coordination of various functions among the slave operation center components including uplink devices.

Regarding claim 82, "said slave uplink being configured to provide content data that is exclusively a live feed" Boyden, Willis, Rakib, Suda and Compel User manual do not specifically reference this limitation. In an analogous art, Hendricks teaches (col. 9 ines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions; col. 19 lines 1-13—content data comprises live video). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink facility to handle more processing, transmitting and coordination of various functions, including live transmissions, among the slave operation center components including uplink devices.

Regarding claim 83, "comprising content data for transmission by said slave uplink being provide from outside said slave uplink" Boyden, Willis, Rakib, Suda and Compel User manual do not specifically reference this limitation. In an analogous art, Hendricks teaches (Fig. 1—uplink receiving content from outside in elements 204 and 202; col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions; col. 19 lines 1-13—

content data comprises live video). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration and allow the uplink facilities to receive content from the outside as taught by Hendricks because the combination of references results in a process that is more desirable and more efficient.

Regarding claim 84, "said slave uplink being in operative communication with a LAN, said LAN providing content data uploadible to said slave uplink for transmission according to said control instruction command" Boyden, Willis, Rakib, Suda and Compel User manual do not specifically reference this limitation. In an analogous art, Hendricks teaches (Fig. 1, 3—uplink receiving content from outside in elements 204 and 202 in a network arrangement; col. 9 lines 49-67—master operations center associated with master uplink and transmits data to slave uplinks). While Hendricks does not specifically reference a LAN, official notice is taken that uplinks arranged in a LAN are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration in a LAN and allow the uplink facilities to communicate content as taught by Hendricks because the combination of references results in a process that is more desirable and more efficient.

20. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 6724737 B1) and Willis et al. (US 6584082) and Rakib et al. (US 2004/0172658 A1), Suda PG Pub 2002/0118696 (hereafter Suda), Compel User manual (May 2001), Hendricks US 6,160,989 (hereafter Hendricks), in further view of Beuque PG Pub 2005/0041955 (hereafter Beuque).

Regarding claim 85, "said slave uplink comprising a decryptor, a validator and a control stream inserter that inserts control instructions for transmission in an outgoing datastream for broadcast" Boyden, Willis, Rakib, Suda and Compel User manual do not specifically reference this limitation. In an analogous art, Hendricks teaches (Abstract;; col. 9 lines 49-67—master operations center associated with master uplink and transmits data to slave uplinks). While Hendricks does not specifically reference a validator and a control stream inserter, Beuque teaches (Abstract; page 2 [0027-0030]—describing authentification and encapsulation in a transport stream corresponds to validating and control stream inserter). While Beuque does not specifically reference slave uplink comprising a decryptor, official notice is taken that slave devices capable of receiving encrypted data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration to allow the uplink facilities to communicate content as taught by Hendricks and incorporate components in transmission devices which allow the device to decrypt, validate or authenticate and control stream components as taught by

Beuque and the prior art because the combination of references results in a process that is more desirable and more efficient.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALFONSO CASTRO whose telephone number is (571)270-3950. The examiner can normally be reached on Monday thru Friday (8am to 5pm EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2423

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423